

Free Schools in 2013

How to apply

Alternative provision Free Schools

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1. Things to know before you start

Vision

1.1 We want to improve our education system so that children thrive and prosper, whatever their background. We want parents to have a choice of more good schools and to have the opportunity to open new schools where they want them.

1.2 The Free Schools programme is helping us realise this vision. In response to local demand, new or existing providers can establish schools – faster than ever before – schools that are supported by local parents and offer high standards. By introducing increased competition, innovation and parental choice we aim to raise standards across the school system.

1.3 Alternative provision Free Schools are part of the Free Schools programme and will widen its reach to some of the most vulnerable children in our society. Innovation and high standards of teaching and achievement are key aims of the introduction of alternative provision Free Schools.

1.4 Parents cannot choose to send their child to an alternative provision Free School. Instead, local authorities, schools and Academies act as ‘commissioners’, referring pupils of compulsory school age¹ to alternative provision. The introduction of alternative provision Free Schools will help to ensure that there is more high quality provision available and that commissioners have more choice about which alternative provision is suitable for pupils.

1.5 The whole point of the Free Schools policy is that it should encourage innovation and be driven by the vision and passion of those proposing a school. There are four main categories of Free School: mainstream, 16–19, special and alternative provision. You can find out more about the characteristics of these types of school and how to apply if your vision does not fit precisely with them in **Annex A**.

1.6 This guidance is for people who would like to establish an alternative provision Free School. If you are interested in applying to set up a mainstream, 16-19 or a special Free School, you should refer to the specific guidance available [here](#). You can also find out how to apply to establish a University Technical College or Studio School [here](#). This guidance contains a number of technical terms and you may find it useful to refer to the glossary of terms provided in **Annex C**.

¹ Pupils who are aged 4-15 at the start of the school year.

What is an alternative provision Free School?

1.7 Alternative provision Free Schools are all-ability, state funded schools, outside of local authority control.

1.8 **Alternative provision Free Schools** will cater principally for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not otherwise receive suitable education. They may also offer alternative provision for 16-19 year olds. Children who are of compulsory school age and some 16-19 year old pupils will be referred by local authorities, schools and Academies (your 'commissioners'). The ways in which they can do this are set out on the table on page 21.

1.9 Your commissioners will then directly pay your Free School a rate per pupil. They can also contract with you for a number of places rather than paying on a per pupil basis. Pupils who are 16-19 years old (not compulsory school age) may also apply in the same way as they would to mainstream 16-19 provision, and your school would receive the same basic per pupil funding as local authority (LA) maintained schools for these pupils².

1.10 Subject to Parliamentary approval, the Education Bill currently before Parliament will establish alternative provision Free Schools. They will be able to offer full and/or part time provision and there will be no explicit requirement on them to offer a broad and balanced curriculum.

1.11 You should make it clear in your application if you intend to offer part time provision or a curriculum that is not broad and balanced. If you wish to offer part time provision each pupil must still receive a full time education; this may be provided by several different institutions. It is the responsibility of the commissioner to ensure that a child receives a full time education, but you will need to work with them to achieve this. For pupils of compulsory school age, if you wish to offer a curriculum that is not broad and balanced you must offer at least the functional elements of English, maths and ICT as appropriate to the child's age and ability.

1.12 In line with the Free School programme's aim to raise standards by encouraging new providers to enter state education, the Department for Education is primarily looking for alternative provision applicants to propose new schools.

1.13 It is important that you understand the funding mechanisms for alternative provision Free Schools. These are set out in Annex B.

² The approach to and levels of Free Schools funding are currently being reviewed. The funding that schools will receive from 2012/13 onwards has not yet been agreed. Please refer to **Annex B** for further information.

Alternative provision Free Schools: law and policy

1.14 Alternative provision Free Schools are a new type of school. The legislative framework they will operate within has not yet been finalised, and will be subject to parliamentary approval in due course. Mainstream Free Schools are subject to the regulatory framework which applies to independent schools.

Consideration is currently being given to which of these regulations will apply to alternative provision Free Schools. You can find the most recent regulations, the Education (Independent School Standards) (England) Regulations 2010, which are currently the subject of parliamentary approval [here](#).

1.15 Each Free School will enter into a contract with the Secretary of State. This contract, termed the ‘funding agreement’³, sets out the arrangements and standards by which the Free School must be run. The model documents can be found [here](#). The model funding agreement for alternative provision Free Schools will be available on our website in due course.

1.16 You should be aware of the following key requirements. Alternative provision Free Schools must:

- be principally concerned with providing full-time or part-time education for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not otherwise receive suitable education for any period (subject to Parliamentary approval of the Education Bill);
- admit children of compulsory school age by referral from local authorities, schools and Academies using existing referral powers or duties; and
- have a majority of pupils who are of compulsory school age. You may also have some 16-19 year old pupils, but they must be fewer than 50% of your pupils. Pupils aged 16-19 can either be admitted by referral from local authorities, schools and Academies or apply in the same way as they would to mainstream 16-19 provision.

1.17 The admissions arrangements for alternative provision Free Schools are set out in more detail in **Section E**.

1.18 Alternative provision Free Schools cannot be designated with a religious character. Applicants may seek to establish a distinct religious ethos which is reflected within the vision and values of the school, but will not be able to recruit staff or pupils by reference to faith.

1.19 At the time of publication of this document, the Secretary of State’s behaviour adviser, Charlie Taylor, is conducting a review of alternative provision, which may lead to certain changes within the sector. We will publicise any such changes through the New Schools Network and our website, and you may wish to check both before submitting your application.

³ For simplicity we use ‘funding agreement’ throughout the application documents to refer to the formal legal agreement between the Academy Trust and the Secretary of State. In addition to the funding agreement the law allows the Secretary of State to fund Academies (including Free Schools) by payment of grant.

2. Getting started

Before you start

2.1 Alternative provision Free Schools can be set up by any suitable organisations or groups, such as parents, teachers or community groups. Existing providers are also able to apply to become alternative provision Free Schools. Existing state maintained schools, including Academies, can also apply to establish a new alternative provision Free School.

2.2 Setting up a school requires a lot of time, commitment and determination. Before you start your application, you should think about:

- the type of school you want to establish, including why this is different to existing provision;
- the law and policy as they apply to alternative provision Free Schools;
- the potential demand in your area for the particular school you want to set up;
- potential sites for the alternative provision Free School;
- the level of involvement you want to have in setting up the school;
- the relevant skills and experience you have to set up and run an alternative provision Free School; and
- whether you need to access any additional expertise and how you might secure this.

2.3 The New Schools Network is an independent charity which receives funding from the Department for Education to provide free advice and support to groups interested in applying to set up Free Schools. We strongly recommend that you contact them before you submit your application. Click [here](#) for a direct link to their website.

Organising your group

2.4 Applicant groups will need to look at what needs to be done, both on a short term basis (submitting the full application and, if approved, the huge job of preparing for the school to open) and long term basis (strategic running of the school as well as day-to-day management). Groups will then want to organise themselves based on the skills, experience and time commitment of individual members so that the group is deployed and governed in the most effective way.

2.5 Each alternative provision Free School must be underpinned by strong governance arrangements and established on a solid legal footing. Behind any Free School is a company, referred to as an Academy Trust, constituted specifically for the purpose of establishing and running a school. This must be set up as a company limited by guarantee to protect the individuals who establish it by limiting their personal liabilities.

Establishing a company

2.6 A company is made up of members and directors. Neither members nor directors are paid for their work in this role. **The members** of a company are its legal owners and have a strategic role in running the school and ultimate control over the company. When setting up your company you are required to have at least three founding members but you can have more. Your group will need to decide who the members of the company will be. The members appoint the directors of the company. When setting up your company, the members are required to appoint at least one director. This may be one of the members themselves.

2.7 **Directors** will be responsible for the day-to-day management and governance of the school. In other words your directors will be the governors of your school and where we refer to governors and governing bodies in this guidance, we are talking about your company directors.

2.8 Company members are not always directors, but in some cases will undertake both roles. We would expect most of the directors not to be members of the company as well because it is important to have clear lines of accountability between the directors and the members.

2.9 You will also need to complete the relevant paperwork to establish your company limited by guarantee. As founding members you need to sign a legal document known as the memorandum of association. You also need to complete the articles of association, which set out the purpose of the company and the rules that govern it. Alternative provision Free Schools should use the Department for Education's alternative provision model memorandum and articles of association which can be found [here](#). If your company is formed using our model memorandum and articles of association it will also be a charity at the point that the articles are adopted. The company's Directors will then also be its **trustees**⁴ for charity law purposes.

2.10 You then need to submit these completed documents along with an application to register a company and the relevant fee to Companies House. Further information on what you need to do to set up a company is available [here](#) on the Companies House website. Please note that we may request to see your memorandum and articles of association at a later date.

2.11 If you have previously established a company limited by guarantee for the purpose of running a school (and the company's object specifically reflects this) you can use this company rather than establish another. Some amendments might be required later to the company's articles of association bringing them in line with our model. Where you have previously established a company limited by guarantee for purposes other than running a school (even if it is for some other educational purpose), you need to establish a new company using our model documents.

⁴ There is guidance issued by the Charity Commission on the role and duties of charity Trustees: <http://www.charitycommission.gov.uk/publications/cc3.aspx>

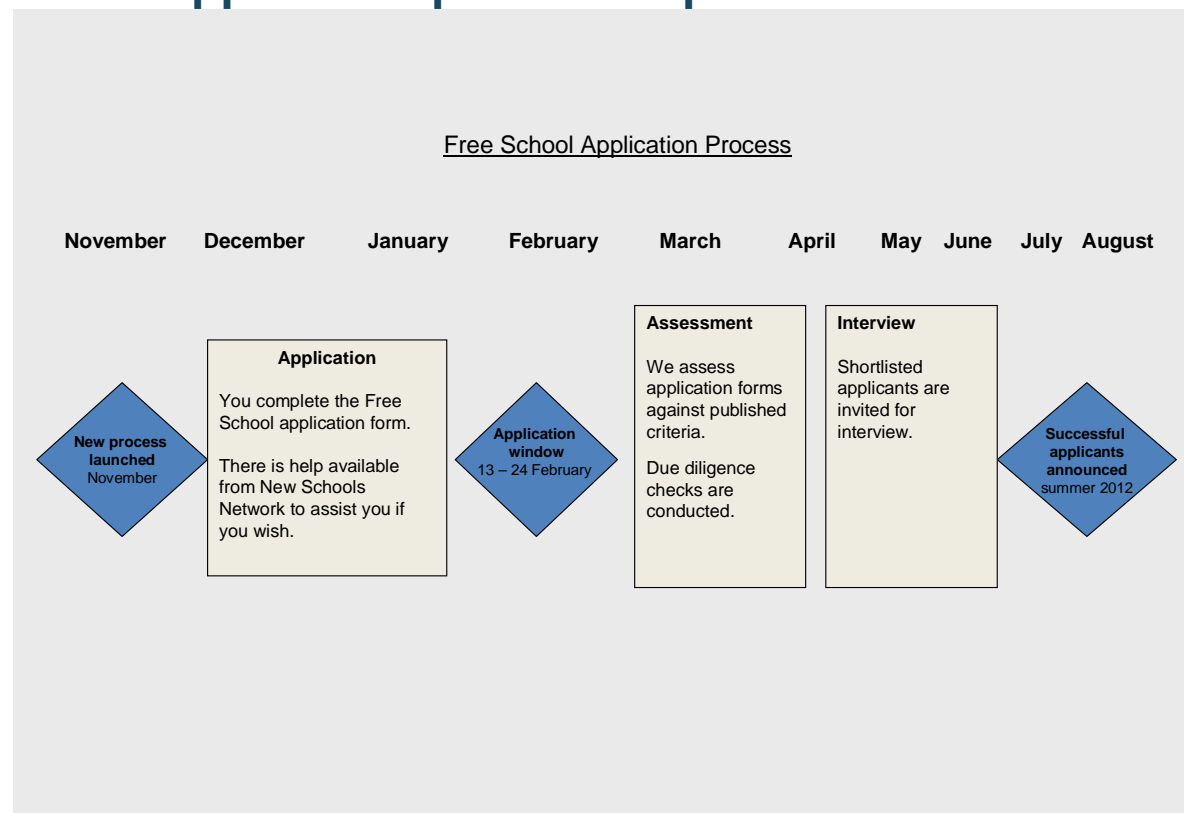
2.12 The individuals behind any alternative provision Free School application are crucial to its success. You will want to consider who forms your group and ensure that you are organised in an effective and appropriate way. You should have arrangements in place to ensure that any potential conflicts of interest are avoided. In the case of Free Schools, conflicts of interest could include members of groups being related to each other or principals setting their own salaries (e.g. if they are also a director of the Academy Trust) but we encourage you to think widely about any possible conflicts of interest that you may face. It is possible for members of groups involved in establishing an alternative provision Free School to be employed later at the school. However, if this is your intention, we would expect you to demonstrate how you will avoid a conflict of interest, including through fair and transparent recruitment processes.

2.13 Just as every alternative provision Free School application will be different, the make up of applicant groups will be different. There is no right or wrong model for the composition of a group. Each group will want to ensure that it has the right balance of skills and experience to deliver its vision. The New Schools Network will be able to advise you on the implications of each model for you and the kinds of skills and expertise required.

Suitability of applicants

2.14 The Secretary of State will seek to ensure that only suitable persons are permitted to establish publicly funded alternative provision Free Schools. He will consider each application on its merits, and take into account all matters relevant to the application. He will reject any applications put forward by organisations which advocate violence or other illegal activities or by individuals associated with such organisations. In order to be approved, applications will need to demonstrate that they would support UK democratic values including respect for the basis on which UK laws are made and applied; respect for democracy; support for individual liberties within the law; and mutual tolerance and respect.

3. The application process explained



What happens when

Preparing and submitting your application

3.1 This application process is primarily for those wanting to set up a school which will open in 2013. We will only consider 2014 applications on an exceptional basis where a strong case is made for the need for an extended lead time.

3.2 Completed applications **must** be submitted to us between 9.00 am on 13th February and 6.00 pm on 24th February. Please note that any applications received outside these times will not be considered.

3.3 It is important that you read this guidance carefully before starting your application to make sure you understand what you need to do and the information that you must provide.

Assessment of your application

3.4 We will assess your application against the requirements and criteria set out in this guidance. You must ensure that you provide all the information that we have asked for.

3.5 All applications will:

- be judged against the criteria set out in this guidance, other alternative provision Free School applications and a range of contextual factors. **Chapter 4** provides further information about the assessment process; and
- be subject to due diligence checks. This means we will use the personal information you provide to check your suitability to set up an alternative provision Free School.

Interviews

3.6 If your application is assessed as one of the strongest, we will invite your group to an interview. We will provide further information on interview dates in due course.

3.7 If you are an existing provider, we may wish to visit your current provision as part of the interview process. If this is the case, the Department for Education will contact you to arrange this.

Final approval and decisions

3.8 We hope to let everyone know the outcome of their application, successful or otherwise, in summer 2012.

3.9 If the Secretary of State decides your application should progress you will be provided with a dedicated project lead from the Department for Education, along with support to help secure a site and open your school.

3.10 There will be a significant amount of work to complete between approving your alternative provision Free School application and your alternative provision Free School actually opening. You should therefore be clear that members of your group are able to commit themselves fully to the time necessary to do this. During this period you may have support to hire a principal designate and other senior staff, as well as project management support. The key requirement for you is to provide the oversight of those people working full-time.

3.11 Assuming you make good progress after your application is approved, the Secretary of State will then decide whether to enter into a funding agreement with you.

Appeals

3.12 Decisions by the Secretary of State are final and there will be no formal appeals process.

4. How we assess applications

4.1 Your application will be assessed in the following ways:

- against the criteria set out in **Chapter 6** of this guidance;
- against other alternative provision Free School applications; and
- against a range of contextual factors including value for money.

4.2 Applications will also be subject to due diligence and other checks. You can find out more information about these checks in **Chapter 6** of this guidance.

4.3 In assessing all applications, we will take into account a wide set of contextual factors, including, but not limited to:

- the age range of the alternative provision Free School;
- overall cost;
- value for money;
- the Secretary of State's duty to consider equality issues⁵ related to the proposed alternative provision Free School;
- the quality and type of other alternative provision in the local area;
- the level of deprivation in the community that it serves;
- the need for more alternative provision places in the area;
- the type of alternative provision you are proposing; and
- the recent track record, including on education and finance, of applicants who run existing alternative provision.

4.4 For applications from existing providers wishing to become alternative provision Free Schools, we will also consider the following factors:

- the popularity of the provision as our expectation will be that the provision is at or near maximum capacity in terms of pupil numbers; and
- whether the provision will be expanded and what extra benefits there will be for pupils as a consequence of becoming an alternative provision Free School.

4.5 In addition, existing providers wishing to become alternative provision Free Schools must meet all of the following requirements:

- strong recommendations from their existing commissioners which confirm that the existing provision is of a high quality and focused on the learning and achievement of pupils;
- registration as an independent school (for existing providers which offer full time education for five or more pupils of compulsory school age or one or more such pupils with a statement of special educational needs (SEN)

⁵ [Section 149 of the Equality Act 2010](#)

or who is in public care, within the meaning of Section 22 of the Children Act 1989).

Existing providers that are registered as an independent school:

- must have no significant outstanding issues on compliance in their most recent inspection report;
- must provide a link to their most recent inspection report with their application;

Schools inspected by Ofsted, the Bridge Schools Inspectorate or the School Inspection Service should have achieved a judgement of good or better in the following areas:

- the quality of education;
- safeguarding pupils' welfare, health and safety; and
- promoting the spiritual, moral, social and cultural development of pupils.

Schools inspected by the Independent Schools Inspectorate should have achieved a judgement of good or better in the following areas:

- the quality of academic and other achievements;
- the contribution of curricular and extra-curricular provision;
- the contribution of teaching;
- the quality of the pupils' personal development;
- the contributions of arrangements for welfare, health and safety;
- the effectiveness of governance, leadership and management.
- the quality of education;
- safeguarding pupils' welfare, health and safety; and
- promoting the spiritual, moral, social and cultural development of pupils.

and

- must be able to demonstrate⁶ that they have a good track record of managing their accounts.

⁶ See criterion G6 for further details.

5. Preparing your application

5.1 An alternative provision Free School application is made up of nine sections as follows:

- **Section A:** Applicant details and declaration
- **Section B:** Outline of the school
- **Section C:** Education vision
- **Section D:** Education plan
- **Section E:** Evidence of demand and marketing
- **Section F:** Capacity and capability
- **Section G:** Initial costs and financial viability
- **Section H:** Premises
- **Section I:** Due diligence and other checks

5.2 In **Sections A-H**, we are asking you to tell us about you and the school you want to establish. We have provided a form [here](#) for you to use.

5.3 **Section G** also requires you to submit two financial plans. Both financial plans should be filled out using the same [template](#) but using different assumptions. The first financial plan should be developed on the basis that all the pupil places in your school will be filled. The second financial plan must show how you would manage your budget and remain financially viable if you are unable to achieve the levels of income you assumed in the first scenario (e.g. if you are unable to recruit the number of pupils you expect).

5.4 **Section I** is about your suitability to run an alternative provision Free School. All members of the company must each fill out a copy of the form available [here](#). Directors of the company, where they have been appointed, must also fill out this form.

5.5 Existing providers which are registered as independent schools must include a link to their latest inspection report. They must also submit their last two years' audited accounts with their application, or supply alternative evidence of financial viability where the school has not been open long enough to have two years' worth of audited accounts.

5.6 You need to submit all of this information in order for your application to be assessed. The next chapter provides further information on what we are looking for in each section, how you should provide it and the criteria we will use to assess your application. **Chapter 7** provides further detail about how, when and where to submit your alternative provision Free School application.

6. Assessment criteria

6.1 You must complete all nine sections of your application in order for it to be considered. We will use the criteria outlined in this chapter to assess your application. Under each criterion we have included a description of what you should include in your application.

Section A: Applicant details and declaration

6.2 This section seeks basic information about applicants, including the main contact details of the lead applicant and the company limited by guarantee that has been formed and registered with Companies House (also referred to as an Academy Trust). It also seeks information on any related organisations that have links with the applicant group as well as information from applicants who are existing education providers.

6.3 As companies limited by guarantee, certain details will be publicly available on the Companies House website. However, the personal information you provide in **Section A** will be treated in accordance with the Data Protection Act 1998.

Data protection

The personal data you provide us with will be used to consider your application to set up a Free School and will not be used for other purposes. For the purposes of the Data Protection Act, the Department for Education is the data controller for this personal information and for ensuring that it is processed in accordance with the terms of the Act. The Department will hold all personal information you supply securely and will only make it available to those who need to see it as part of the Free School application process. All personal information supplied in these forms will only be retained for as long as it is needed for this process.

6.4 There are no assessment criteria for this section.

Section B: Outline of the school

6.5 This section seeks key details on the type of alternative provision Free School that is being proposed, including its name, planned yearly intakes and the planned number of pupils when the school is at full capacity.

6.6 There are no assessment criteria for this section.

Section C: Education vision

6.7 The education vision should describe why you are setting up this particular alternative provision Free School in this area, and its core features and ethos. This is your opportunity to tell us in your own words about the overarching vision for your school and how it informs your education plan.

6.8 We will be using one criterion to assess this section of your application.

C1: Provide a clearly focused, coherent vision that underpins the application with a compelling rationale for establishing the school.

You must:

- set out clearly why you are seeking to establish your alternative provision Free School. Please explain the key features of your school, including the proposed age range, curriculum, location and approach to teaching and learning;
- identify what will make the school distinctive in its vision and ethos and how this has informed the education plan;
- set out your aspirations for the educational achievement of individual pupils (including their preparedness for everyday adult life), and the school as a whole and why these targets are appropriate;
- explain how the particular ethos of the school will be reflected in its curriculum; and
- explain how your group's religious beliefs and affiliations will be reflected in, or influence, the curriculum if you are applying to set up an alternative provision Free School with a religious ethos.

In preparing your application it is important to note that:

- creationism, intelligent design and similar ideas must not be taught as valid scientific theories.

Section D: Education plan

6.9 This is the heart of your application. Your education plan must explain how your school will achieve its education vision. You should note that **Section D** in the application form includes two parts for you to fill out. Part 1 asks you to fill out a table showing how your school will grow over time to full capacity. Part 2 is where you should provide the information we are seeking in relation to criteria below. The education plan should describe the structure of your school and the experience that pupils will have there. You should set out your aspirations for pupil achievement, how you aim to meet these and how the school will evaluate performance, both of individual pupils and the school as a whole. You should set out how you will address pupils' behavioural or other challenges, with a view to them successfully returning to mainstream school or to further education, training or employment.

6.10 We will be using six criteria to assess this part of your application.

6.11 Strong applications from existing providers will normally set out how they will enhance the educational offer for pupils, so that pupil learning and achievement improves as a consequence of the provider becoming an alternative provision Free School.

D1: Set out a viable curriculum plan with appropriate focus on core areas of learning.

You must:

- describe the curriculum in detail, setting out how it will meet the different needs and interests of all pupils including, for secondary students, the range of qualifications which might be offered. You should confirm whether you will offer a broad and balanced⁷ curriculum, why your curriculum is appropriate for the children in your provision and how you will meet their educational requirements, including how you will prepare pupils to return successfully to age appropriate mainstream education or continue in education, employment or training; and
- if applicable, for children who attend your provision part-time, set out how you will work with the other provider(s) or school(s) they attend to ensure that they receive an appropriate and integrated curriculum.

In preparing your application, it is important to note that:

⁷ In order to be considered broadly based and balanced the curriculum must (a) promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and (b) prepare pupils at the school for the opportunities, responsibilities and experiences of later life. For primary schools, a broad and balanced curriculum should include the core subjects of English, mathematics and science and will need to support pupil progression to secondary education. For secondary schools, a broad and balanced curriculum should include, but not be limited to, the core subjects of English, mathematics and science;

- alternative provision Free Schools do not have to offer a broad and balanced curriculum, but you must offer age and ability appropriate functional English, maths and ICT as a minimum for children of compulsory school age;
- good applications will set out a coherent curriculum plan, linked to the proposed financial plans, which demonstrates a good understanding of the expected pupil population, shows a high level of ambition in meeting its needs and is focused on the learning and achievement of those pupils; and
- good applications will specifically address how the curriculum and its delivery will improve pupil outcomes on a range of measures.

D2: Provide a coherent and feasible school timetable and calendar.

You must:

- set out expectations around the length of the school day, term and year. This should include the number and length of lessons each day and your plans for extended hours and should make a clear distinction between compulsory and optional activities;
- specify whether pupils will attend full-time or part-time and whether they will all have the same school day and week. If not, set out how you will manage the different attendance patterns within the school;
- set out how you will integrate and cater for pupils with varying referral lengths: from short placements to longer ones; and
- explain how pupils will be organised, for example through year groups, tutor groups or other class structures and how this links with and supports the education vision.

D3: Set out a clear strategy for ensuring that the needs of pupils with differing abilities are met.

You must:

- demonstrate an awareness of the varying needs of individual pupils and have an effective strategy for meeting them, including supporting those who need it and stretching the most able (gifted and talented pupils);
- show how you will use ICT, other agencies and partners' resources to support the learning and achievement of pupils of varying abilities and needs;

- describe the strategies you will use to overcome barriers to learning and achievement such as pupils' behaviour or other factors that have kept them out of mainstream schools;
- set out how you will prepare pupils to successfully return to mainstream schools or to enter further education, training or employment;
- set out your approach to supporting disabled pupils and pupils with special educational needs, who may or may not have a statement; and
- set out how you will have regard to the Special Educational Needs Code of Practice⁸.

D4: Tell us how your definitions and measures of success will deliver your aspirations for pupil achievement.

You must:

- outline the targets that are proposed, why these are suitable to measure the delivery of your education vision, and what your strategy will be to achieve these;
- describe the proposed success measures for individual pupils and the whole school and how these will be monitored, reviewed and reported; and
- set out plans to develop pupil assessment and tracking systems.

D5: Describe how your approach to behaviour management, pupil wellbeing and attendance will improve pupil outcomes.

You must:

- set out detailed strategies for promoting good behaviour and attendance that are appropriate for your pupils;
- describe how you will promote pupil wellbeing, including through pastoral care and strategies for tackling bullying;
- describe how you will ensure that pupils are kept safe and how you will comply with the relevant safeguarding requirements⁹; and
- describe how these strategies are informed by your vision and linked to raising standards and educational outcomes.

⁸

www.education.gov.uk/publications/standard/publicationDetail/Page1/DfES%200581%202001#downloadableparts

⁹ <https://www.education.gov.uk/publications/standard/publicationdetail/page1/dfes-04217-2006>

D6: Demonstrate your understanding of the local community and its needs, and your plans for sharing facilities with other schools and the wider community.

You must:

- demonstrate a good understanding of the community your pupil intake will come from and show how the education plan reflects that while retaining high expectations for pupil achievement;
- describe any plans you have for working with other schools, educational establishments or the wider community; and
- set out how you will promote good community relations.

Section E: Evidence of demand and marketing

6.12 In this section we are looking for evidence that commissioners would refer children to your school and, if appropriate, that 16-19 year old pupils would apply to your school. You should note that Section E in the application form we have provided includes two parts for you to fill in. Part 1 asks you to fill in a table showing the number of full-time equivalent pupils you intend to have in each key stage and the demand you have established. Part 2 is where you should provide the information we are seeking in relation to referrals, admissions for 16-19 year olds and demand for your school from commissioners and students. The more evidence you can provide to show you have demand for the number of pupil places you need to fill in the first years of the school being open, the better. You must show that the demand is for your specific school and you must have engaged directly with the local authorities, schools, Academies and community you will be serving.

6.13 As set out in the Education Bill currently before Parliament, alternative provision Free Schools must be principally concerned with providing full-time or part-time education for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not otherwise receive suitable education for any period. This means that the majority of your children (over 50%) must be of compulsory school age (i.e. 5-16). You may also have some 16-19 year old pupils, but they must be fewer than 50% of your pupils.

6.14 Children of compulsory school age can only be admitted to an alternative provision Free School by being referred from local authorities, schools and Academies using their existing referral powers or duties (please see table on page 21 for details). 16-19 year old pupils may also be referred by local authorities, schools and Academies in some circumstances but can also apply to the alternative provision Free School themselves in the same way as they would for mainstream 16-19 provision.

6.15 The table on the next page sets out the powers and duties which local authorities, schools and Academies have to refer children to alternative provision.

6.16 We will be using four criteria to assess this part of your application.

Circumstances	Commissioner (responsible for referring the pupil and paying the per pupil fee)	Type of referral
Child is permanently excluded or cannot attend mainstream education e.g. because of illness	Local authority ¹⁰	<ul style="list-style-type: none"> • Full-time, unless there are medical reasons why this would not be appropriate (full-time provision can be made up of part-time provision from two or more providers). • Long term or short term - dependent on local authority view on whether reintegration is appropriate and bearing in mind the child's right to suitable and full-time education. • Education must start by the sixth day of permanent exclusion but can start earlier.
Child has a fixed period exclusion	Academy or school	<ul style="list-style-type: none"> • Full-time. • Short term – child can only be excluded on a fixed period basis for a maximum of 45 (school) days in an academic year. • Education must start by the sixth day of a fixed period exclusion but can start earlier.
Child's behaviour needs improvement, for example to prevent permanent exclusion	Academy ¹¹ or school	<ul style="list-style-type: none"> • Full-time or part-time (but if part-time, child must still receive full-time education, which can be made up of part-time provision from two or more providers, one of which may be their Academy or school). • Short or mid term – referral cannot last beyond the end of the academic year in which it is made and must be reviewed at least every 30 days by the governing body of the referring school.

¹⁰ Except in areas where a new approach to exclusions is being trialled, under which schools take responsibility for permanently excluded pupils. Your local authority will be able to confirm if it is taking part in this trial.

¹¹ Academies have the power to refer pupils to off-site provision. This power comes from their general powers to advance education (which comes from the object of the memorandum and articles of the Academy Trust). Though these placements are not covered by the same legislative safeguards that apply to pupils referred by maintained schools, best practice would be to establish relationships with your referring Academies so that they make referrals on the same basis and have regard to the appropriate safeguards (which are set out in brief in the third column).

E1: Clearly state your referral process (for children of compulsory school age and, if appropriate, 16-19 year olds), setting out how you will effectively manage referrals and engagement with your commissioners throughout the academic year. Clearly state your other admissions arrangements, if any, for 16-19 year olds. Describe how both processes will ensure that your alternative provision Free School is accessed by your target group of pupils.

You must:

- set out how you will manage the referral¹² process for those local authorities, schools and Academies that will refer children to you to ensure ongoing referrals once open and that appropriate pupils access your provision;
- set out how you will establish and maintain links with your commissioners to ensure that you receive information about the pupils' needs and attainment levels before they are referred and how you will then work with each commissioner to keep them informed of the pupil's progress and readiness for reintegration;
- specify how you will manage a potentially high in-year turnover of pupils; and
- if appropriate, set out your admissions policy for any 16-19 year old pupils which will apply in the same way as they would to mainstream 16-19 provision (rather than through commissioner referrals). This should include the criteria to be used to prioritise places if your school is over subscribed. You must describe how your admissions policy will be fair and transparent.

In preparing your application, it is important to note that:

- while many children with special educational needs access alternative provision, children with statements of special educational needs should not normally be educated by such providers on a long-term basis.

¹² The referral powers and duties which Academies, schools and local authorities have, and the restrictions on their use, are set out in the table on page 21. These are the only ways in which children of compulsory school age (5-16) may be admitted to alternative provision and may also be used to refer 16-19 year old pupils

E2: Provide evidence of demand from commissioners that they would make referrals to your alternative provision Free School for pupils of compulsory school age and, if appropriate, students aged 16-19 and would pay the per pupil rates you intend to charge.

You must:

- set out what you consider to be your steady state for pupil numbers over the course of an academic year, based on full-time equivalents (FTE). Alternative provision Free Schools should reach their steady state for pupil numbers by the beginning of their fourth year at the latest. Steady state for alternative provision Free Schools is unlikely to be 100% capacity for the full academic year due to the nature of alternative provision;
- provide information that clearly shows the level of demand from your commissioners (local authorities, schools and Academies). Evidence should include agreements from them that they would be willing to refer children to your provision and to pay the costs of that referral (which you can set). Please ensure that the evidence you have collected is set out in terms of full-time equivalent (FTE) places over the academic year. For example if a commissioner anticipates needing to refer 3 children full time for a term each, that would count as evidence of 1 FTE referral over the academic year; and
- consider providing wider demographic data and evidence about local need in the area to add context to your evidence from commissioners.

In preparing your application, it is important to note that:

- the more evidence you can provide to show you have demand from commissioners for the number of pupil places you need to fill the better. You should provide this evidence for at least the first year. Strong applications will be able to demonstrate evidence of demand for future years as well;
- demand is critical because a school's income is dependent on pupil numbers. For **Section G** you will need to fill in a financial template to show how you would amend your budget if your school were not completely full;
- it is helpful for us to know where in your area the demand for your school is coming from. You can do this by supplying a map or diagram that shows the location of your proposed school site; and
- we will ask you for updated evidence of demand if we invite you to interview so you should continue to engage with your commissioners and collect information on an ongoing basis.

E3: For schools providing alternative provision for 16-19 year olds, provide evidence of demand from students of the relevant age that they would apply to your alternative provision Free School in each of your first two years of operation.

You must:

- provide information that clearly shows the number of students that want to apply to your particular school. You must ask students who could realistically apply to your school. You will need to have in mind your stated admissions policy, the age range on offer and where your site will be. Students must be of the relevant age to fill the year groups on offer when your school opens and in its second year of operation. For example, you will need to show evidence of demand from pupils who will be:
 - i) turning seventeen in the 2013/2014 academic year to fill your Year 12 class in September 2013; and
 - ii) turning seventeen in the 2014/15 academic year to fill your Year 12 class in September 2014.
- tell us the exact questions that you asked in your survey and provide a summary of responses. These questions should be specific to your school and its proposed curriculum and ethos. Examples of survey questions that demonstrate this include, “Do you support the ethos and objectives of X school?” and “Will this school be your first choice for 16-19 provision?”;
- provide a template of the survey form you asked prospective students to complete; and
- tell us how you have engaged directly with the community. This could be through public meetings, attendance at community events, discussions with local schools, students or parents, handing out leaflets in your local area etc.

You must not:

- send in copies of individually completed survey forms.

In preparing your application, it is important to note that:

- the more evidence you can provide to show you have demand for the number of pupil places you need to fill in the first two years, the better;
- demand is critical because a school's income is dependent on pupil numbers. For **Section G** you will need to fill in a financial template to show how you would amend your budget if your school were not completely full;
- it is helpful for us to know where in your area the demand for your school is coming from. You can do this by supplying a map or diagram that shows the location of students who have expressed a preference for the school in relation to the school's proposed site; and
- we will ask you for updated evidence of demand if we invite you to interview so you should continue to engage with your community and collect information on an ongoing basis.

E4: Demonstrate how you intend to engage with the wider community, including, where relevant, children from a range of backgrounds, faiths and abilities. Strong applications from existing providers will normally include evidence of demand to support an expansion in pupil numbers.

You must:

- demonstrate how you have made or plan to make the school known and attractive to a number of commissioners and, if applicable, 16-19 year olds;
- show clearly how your approach reflects the requirements of specific commissioners;
- demonstrate a good understanding of the community your pupil intake will come from and show how the education plan takes this into account;
- set out how your school will work with other partners or the wider community, for instance delivering outreach support on behaviour to other local Academies and schools;
- tell us if you are planning to use the school as a resource for the wider community (e.g. hiring out premises) and, if so, how will this be managed; and
- set out how you will promote good community relations.

If you are proposing a school with a religious ethos, you should:

- show how the school will meet the needs of other faiths and none. You should consider uniform, the school meals you will provide and whether there will be dietary requirements; and
- demonstrate how you have actively engaged with commissioners and, if applicable, 16-19 year olds of other faiths and none in establishing demand for your school.

If you are an existing provider, you should;

- demonstrate the appeal of the alternative provision Free School to commissioners who do not currently refer pupils to you;
- demonstrate the demand from existing commissioners for additional places; and
- present separate evidence of demand from current and prospective commissioners.

Section F: Capacity and capability

6.17 You must demonstrate to us that your group has the capacity and capability to set up **and** run an alternative provision Free School. You must have access to appropriate educational, financial and other expertise either within your group or by procuring additional support. If your application is approved, we will be able to support you, if required, to secure additional expertise that you may need in the implementation phase, such as project management, human resources, ICT and sites and property/construction.

6.18 Before submitting an application for an alternative provision Free School, you **must** have established a company limited by guarantee with members and directors appropriately skilled to discharge their duties and willing to do so without payment. This is explained in more detail in **Chapter 2** of this guidance.

6.19 We will be using six criteria to assess this section of your application. In providing responses to criteria **F1**, **F2** and **F3** set out below, it is important to note that:

- expertise could come from within your group or through forming a voluntary partnership with an organisation or individual(s) with a successful educational track record or by entering into a commercial contract with such an organisation or individual(s);
- there is no guarantee that your application will be successful. Therefore you **must not** enter into any contracts in the expectation of government funding. In your application you should tell us what contractual arrangements, if any, you would like to have in place should your application be approved; and
- public procurement regulations apply to expenditure of public money and require that commercial contracts must be let competitively. Therefore, there can be **no guarantee** that organisations or individuals offering support in the preparation of applications will be offered contracts to continue providing such support should the application be approved.

F1: Show how you will access appropriate and sufficient educational expertise to deliver your vision.

You must:

- show that you have identified the resources, people and skills that you will need to set up and operate a school, including experience or understanding of leading and teaching in high quality alternative provision;
- confirm time commitments to the project from relevant individuals; and
- set out clear and detailed plans for identifying and securing any necessary educational expertise currently missing from your group.

F2: Show how you will access appropriate and sufficient financial expertise to manage your alternative provision Free School budget.

You must:

- show that you have identified the resources, people and skills that you will need to set up arrangements for ,and undertake the financial management of, a school;
- confirm time commitments to the project from relevant individuals; and
- set out clear and detailed plans for identifying and securing any necessary financial expertise, including an understanding of school budgets, currently missing from your group.

F3: Show how you will access other relevant expertise to manage the opening and operation of your school.

You must:

- provide details of your group, including the members of the company, and their particular areas of experience and expertise;
- show that your group has identified other relevant expertise, such as individuals or organisations with successful experience of setting up a new organisation or business, school governance, human resources, ICT, property/construction, marketing and project management;
- set out clear time commitments to the project from the relevant individuals;
- explain how work on this school will be balanced against the development of others if your group is seeking to establish more than one school; and
- set out clear and detailed plans for identifying and securing any necessary expertise currently missing from your group.

F4: Show how your staffing structure will deliver the planned curriculum.

You must:

- set out plans showing an appropriate and phased build-up of staff (where the school is increasing in size over time) in line with planned pupil numbers and financial resources;
- describe the final staffing structure and show how it is sufficient, affordable and appropriate to deliver the education vision and plan;
- set out the structure of the senior leadership team, heads of department and any other staff, as well as a clear description of their roles and responsibilities;
- reflect both the arrangements for the first term and year, and for the longer term as the school builds to full capacity, with clear delineation of roles and responsibilities; and
- ensure the information you provide is consistent with that provided in **Section G**.

F5: Provide realistic plans for recruiting a high quality principal designate, other staff and governors in accordance with your proposed staffing structure and education plans.

You must:

- set out plans for recruiting your school's principal designate (head teacher) and the role you envisage him/her playing in the implementation phase;
- provide the CV of your preferred principal designate, if you have already identified one, along with evidence of their ability to deliver your education vision and plan and lead your proposed school;
- set out your plans for recruiting high quality members of staff;
- tell us about any individuals you have already identified as prospective governors and their relevant skills and expertise; and
- describe how you will identify and appoint committed governors with the breadth of skills needed to oversee successfully both the implementation of a school and its operation once open.

In preparing your application, it is important to note that:

- where you have already identified a preferred principal designate, we may

require that person to be assessed to help inform the decision to appoint;
and

- if your application is approved, you will – subject to our agreement – be able to appoint a principal designate up to two terms in advance of the school's opening date.

F6: Demonstrate a clear understanding and describe the respective roles of the company members, governing body and principal designate in running your school.

You must:

- clearly describe both in writing **and** in a diagram the structure, lines of accountability and methods of escalation between the company members, the school's governing body (the company directors) and the principal;
- clearly define and set out the respective roles and responsibilities of the company members, the governing body and the principal; and
- have arrangements that seek to ensure that any potential conflicts of interest are avoided and that deliver **independent** challenge to those with executive functions.

Section G: Initial costs and financial viability

6.20 In this section we are looking for evidence that the cost of setting up your school and delivering your proposed education plan is affordable and that your group is able to plan and manage the financial side of running a publicly funded school. Alternative provision Free Schools must offer value for money.

6.21 We have included in **Annex B** an explanation of how alternative provision Free School funding works and the information you need to know before starting this section of your application. You should read this annex carefully.

Step 1 - You must complete two different financial plans for your school.

6.22 We want you to create two different financial plans for your school. You must do this by filling out the same template spreadsheet twice, with information based on two different scenarios. The alternative provision Free School template spreadsheet is available [here](#). Please ensure that you use the correct template¹³. Instructions for completing the spreadsheet are contained within it.

6.23 The first financial plan needs to show us the income you expect to receive and what you intend to spend when your school is full. You must provide financial information up to and including the academic year **after** the school is full, and for a minimum period of five years. For example, if you are planning for your school to reach capacity in two years, then you must cover the period 2013/14 to 2017/18. The latest that alternative provision Free Schools should be full is from the beginning of the fourth year.

6.24 You should complete the second financial plan to show us how you would reduce spending if your income were lower than expected – for example, if you recruit fewer pupils than planned. Please see criterion **G3**.

6.25 In both financial plans, your income must always exceed your expenditure, taking start-up funding and reserves you have built up in prior years into account.

6.26 In preparing your financial plans, you should think carefully about how you can make the best use of the money available to you to deliver your school's education plan. We know that it will not be possible for you to state actual costs at this stage but we need you to demonstrate that your particular education vision and plan are affordable. The cost estimates you make need to be realistic and based on evidence. You can do this by looking at what other alternative provision schools do and how much they spend each year on different things. When you show income that is not from the Department for Education (including your per pupil funding from commissioners), you need to explain where it is coming from, how certain you are that you will get it and

¹³ Please use the alternative provision template – other templates are available for mainstream Free Schools, special Free Schools, studio schools and university technical colleges.

provide evidence to support this assumption. For your per pupil funding from commissioners this should include written evidence providing in principle commitments that they will refer children to your alternative provision Free School and are prepared to pay the per pupil funding level you have set (as required under criterion E2).

6.27 In preparing your financial plans it is important for you to ensure that they:

- are based on clearly stated and evidenced assumptions;
- are consistent with the evidence of demand from your commissioners;
- demonstrate that your commissioners are willing to pay the per pupil funding rates that you have set;
- flow directly from the education vision and plan for the alternative provision Free School;
- show how you have kept costs to the minimum needed to deliver your education plan;
- refer to established school benchmarks where appropriate;
- use best estimates where there are uncertainties;
- do not show a deficit in any year;
- are not predicated on your school being able to borrow money;
- do not carry over excessive balances of money from one year to the next; and
- show clearly any income you are expecting to receive from sources other than the Department for Education and commissioners and provide robust evidence to show why this is realistic and achievable.

6.28 Both completed financial plans must be submitted alongside your main application **as electronic excel files and in hard copy**.

Step 2 - In addition, you must include an explanation in your application form describing how you developed your financial plans and the thinking behind them.

6.29 We expect you to explain how you have kept costs as low as possible, evidence that commissioners are willing to pay the per pupil funding rates and how your financial plans support your education vision and plan. You should also tell us about the assumptions you have based your plan on, and the evidence you have gathered to show these are realistic. Even once the alternative provision Free School has reached steady state, it will still be required to respond flexibly to shifting patterns of local need and to manage a high pupil turnover in each academic year. You should set out clearly how your financial plan enables the school to remain financially viable in these circumstances.

Review of school funding

6.30 School funding for 2012/13 and beyond is not yet decided because of wider work going on to reform the school funding system. For the purposes of this application you will need to use the interim funding model for 2012/13 which uses the confirmed 2011/12 funding figures. However, from 2013 the results of the school funding review may mean that a different funding model will be used. This means that the approach to, and levels of, funding suggested by the template spreadsheet are indicative only, and do not represent the actual funding the school would receive if approved.

6.31 We will be using six criteria to assess applications for initial costs and financial viability. Five of the criteria apply to all alternative provision Free School applications. You should only seek to address criterion **G6** if you are an existing provider seeking to become an alternative provision Free School.

G1: Show how the school will be financially viable and offer value for money up to the point where there is a full cohort of pupils.

You must:

- show in **both financial plans** that income, including start-up funding, would exceed expenditure for each year up to and including the first year where you have a full cohort of pupils (the 'start-up' period). The latest that this can be is the fourth year; and
- demonstrate you have minimised the need for any start-up funding, particularly staffing diseconomy funding¹⁴. For example, where the school is building-up we would normally expect principals to do some teaching, and for support staff to fill multiple roles.

G2: Show how the school will be financially sustainable once there is a full cohort of pupils.

You must:

- demonstrate in your **first financial plan** that income will exceed expenditure once the school is no longer eligible for start-up funding. The last year in which schools are currently eligible for start-up funding is the first year in which they have a full cohort of pupils. The latest that this can be is the fourth year; and
- set out clearly and explain in your application form the supporting assumptions for this first financial plan.

¹⁴ See **Annex C** for more on staff diseconomy funding.

In preparing your application, it is important to note that:

- a strong financial plan should also include contingencies and flexibility that would allow the school to cope with unexpected financial pressures. You should not do this by building up a large surplus over time.

G3: Show how the school will be financially resilient to reductions in income.

You must:

- show in your **second financial plan** how you would reduce your expenditure to spend less than your income if you were not able to achieve the levels of income you assumed in your first financial plan. You must show how you would do this whilst still being able to deliver high quality education in line with your stated education vision and plan;
- show in your second financial plan how you would manage if only 80% of pupil places were filled in each year;
- also take into account any other areas that could impact on your school's income. In particular, where relevant, you should show in your second financial plan how you would manage if you did not reach the assumed level of income from sources other than grants from the Department for Education and your commissioner per pupil funding (e.g. if you are expecting to receive any third party contributions);

and

- set out clearly and explain in your application form the supporting assumptions for your second financial plan.

G4: Provide realistic financial plans that are consistent with other aspects of your application.

You must:

- be consistent about the information you provide in **both financial plans** and other relevant parts of your application. This means that the numbers and assumptions in your **first financial plan** must match the numbers and assumptions stated elsewhere in the application form and that the numbers and assumptions in your **second financial plan** are clearly explained and evidenced in your application form.

In preparing your application, it is important to note that:

- examples of areas that will be scrutinised include pupil numbers, staffing structure, and whether there are elements of the education vision and plan (such as extended provision) that would require financing and how these are reflected in your financial plans.

G5: Provide sound financial plans that are based on realistic and evidenced assumptions about income and expenditure.

You must:

- complete the template spreadsheets accurately;
- ensure that all required fields of the template spreadsheets are filled in;
- clearly state and evidence in your application form all the assumptions you have made in putting together your financial plans;
- clearly state and evidence that commissioners are willing to pay the per pupil funding rates you intend to charge; and
- use, where appropriate, benchmarking data (e.g. school or local authority data) to ensure that the figures you have included are realistic.

G6: For existing providers, show that the existing provider has a good track record of financial management and explain any existing financial issues which could impact on becoming an alternative provision Free School.

You must:

- submit the school's audited financial statements for the last two years with your completed application form; or
- supply alternative evidence of financial viability where the existing provider has not been open long enough to have two years' worth of audited accounts.

In preparing your application, it is important to note that:

- you should tell us about any relevant financial issues and explain how you will seek to address them. You should expect to discuss these in greater detail in later stages of the application process. Examples of financial issues which may impact on becoming an alternative provision Free School include running at an operating deficit or having outstanding loans, including mortgages.

Section H: Premises

6.32 Finding a suitable site is an essential part of opening an alternative provision Free School. As part of preparing your application you should investigate potential sites for your school. In your application we would like you to tell us about the sites you have identified.

6.33 We would like to know where you would prefer your school to be. In your application you should include details of up to two preferred sites where your proposed school could potentially open. However, not having a preferred site at this stage will not affect your application. If your application is taken forward to the interview stage of the application process, your preferred sites may be visited by Partnerships for Schools. Partnerships for Schools is the organisation appointed by the Department for Education to assist in finding and securing Free School sites¹⁵. Partnerships for Schools will assess the sites they visit for their suitability, availability, and the likely cost and duration of work required.

6.34 We will also make an overall cost and value for money assessment of your proposed site options. You should therefore aim for the lowest possible capital costs. Successful applicants will be provided with help to secure a suitable site for their alternative provision Free School. Advice and guidance on how to find potential sites, as part of developing your application, is available from Partnerships for Schools by contacting them by e-mail.

6.35 You should make enquiries as to whether your proposed sites are available for acquisition or leasehold but you **must not** enter into any negotiations at this or any other stage on the expectation of government funding. If your application is approved, Partnerships for Schools will undertake negotiations on our behalf to acquire a site for your school.

6.36 **Please note** that if, following approval of your application, it proves impossible to identify a feasible site, we may not be able to open your school in September 2013, simply because of the time required to prepare the site for the opening. If this is the case, Partnerships for Schools will help you with your search for a site and we may consider working with you towards opening in 2014 or beyond.

6.37 Although this section of your application will not be assessed against any specific criteria, you should aim to provide us with the following information:

Possible site options

6.38 Please provide brief details of the steps you have taken to search for suitable sites and what sites (if any) are available in the local area.

¹⁵ From April 2012, Partnerships for Schools will become part of the new Education Funding Agency.

Details of your preferred sites

6.39 Please set out for each of your preferred sites, if possible:

- your reasons for choosing it;
- the address and postcode of the proposed site;
- the current use of the proposed site;
- the current freeholder of the proposed site;
- a brief description of the site including size (in square metres) along with the pupil numbers you are proposing;
- the availability of the site and the nature of the tenure; and
- why you think the site is suitable for your school and how it will support delivery of your education vision.

Capital investment

6.40 Please detail any sources of funding available to you to support site acquisition.

6.41 Existing providers should not normally expect to receive any capital funding unless they plan to expand their pupil numbers. If existing providers are planning to expand their pupil numbers as a consequence of becoming an alternative provision Free School, they may be eligible for some limited capital investment.

Free Schools in public and government buildings

6.42 When looking for potential sites we would encourage you to consider surplus or under-utilised government and other public buildings. These have the potential to offer cost-effective solutions. A wide range of public buildings could provide suitable accommodation for an alternative provision Free School, including:

- offices
- courts and police stations
- clinics, health centres, day centres and hospitals
- care facilities
- training centres
- Territorial Army facilities and barracks
- depots
- former churches
- ambulance stations
- fire Control Centres

6.43 We have carried out detailed assessments including surveys and, where appropriate, pre-planning applications of six sites. We welcome applications to establish Free Schools on these sites. Information on these sites, including location, size and the type of Free School for which each site might be suitable

can be found [here](#). They currently include two Department for Education buildings, Mowden Hall in Darlington and Castle View House in Runcorn, where there is potential to share the sites with us.

6.44 We will provide details of further properties as they become available. If you are interested in any of these properties please email [Partnerships for Schools](#).

6.45 Partnerships for Schools will provide you with further detail about these sites and will be able to advise you on how they might match your education vision. Furthermore, to assist you with searching for other available government and publicly owned sites, Partnerships for Schools has developed an online map browser that will allow you to explore potential government and other publicly owned buildings by entering your postcode. This can be found [here](#).

Section I: Due diligence & other checks

6.46 We will be carrying out a number of checks, as part of the application process, on those applying to establish an alternative provision Free School and any other person who will be involved in the management or running of a school. These checks will include due diligence checks, credit checks, and enhanced Criminal Records Bureau checks and may include police and other checks that may be necessary to ensure that only those who are suitable to do so are able to set up and run an alternative provision Free School. Personal information provided as part of the application process, including the information requested below, may therefore be passed to third parties for these purposes.

6.47 In order to be able to carry out these checks we require applicants to provide certain personal information about themselves. The form is available [here](#).

6.48 We must receive these forms by 6pm on 24 February 2012. When completed please send the due diligence forms directly to the **Due Diligence Team**. These forms should remain separate from your main application and **be submitted in hard copy only**.

6.49 For the purposes of the Data Protection Act 1998, the Department for Education is the data controller for personal information supplied on these forms and for ensuring that this information is processed in accordance with the requirements of the Act. Any third parties processing personal information on behalf of the Department for Education will be acting as its data processors. The Department for Education will hold all personal information you supply securely and will only make it available to those who need to see it as part of the application process. All personal information supplied in these forms will be destroyed when it is no longer needed for the purpose of the due diligence process.

6.50 Applicants who refuse to provide any of the information requested may be asked to withdraw from the process and from any subsequent involvement in the Free School in order for the application to be considered.

6.51 It is our policy that where an applicant is judged to be unsuitable to be involved in the operation of an alternative provision Free School, he or she may be offered the opportunity to withdraw from the application process. Where an applicant declines to withdraw, the application may be refused.

6.52 Where an application is refused on the grounds that an individual is deemed unsuitable, the applicants will be informed that it is not assessed to be in the interests of the Free Schools programme to progress the application with the involvement of that individual. Fuller reasons may not be provided.

7. Submitting your application

How, where and when to submit

Sections A-H

7.1 **Sections A-H** require you to submit written information and two financial plans between 13 and 24 February 2012. Applications received after the deadline will not be considered. You need to submit **one copy by email to alternativeprovision.fsapplications2013@education.gsi.gov.uk** and **two hard copies** by 'Recorded Signed For' post to:

Free Schools Applications Team
Department for Education
3rd Floor
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

7.2 It is essential that the hard copies you provide are identical to the electronic version you email. Your application should be formatted for printing on A4 paper and completed in Arial font with a minimum font size of 12. Your email must be smaller than 20MB in total. You may wish, therefore, to carefully consider how important photographs, images and logos are to your application.

Section I

7.3 For due diligence purposes, you will also need to submit one hard copy of the **Section A** form and as many signed signed hard copies of the **due diligence form** as are required (each member and director of the company must complete and sign a form). The lead applicant or main contact should put these together in **one envelope** and return them by 'Recorded Signed For' post to the following address:

Due Diligence Team
Department for Education
4th Floor
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

7.4 Please remember that we must receive all of the documents that make up your application **no earlier than 9am on 13 February and no later than 6pm on 24 February 2012** in order for them to be considered¹⁶. Please use the checklist in **Annex D** of this document to ensure that you have provided all the information we need to assess your application.

¹⁶ Applicants should not submit additional supporting material after this date, although the Department for Education reserves the right to request additional information if deemed necessary.

8. Support for applicants

Useful contacts

8.1 Please find below contact details of organisations that are able to offer support:

- For general advice, please contact the New Schools Network [here](#). The New Schools Network is an independent charity which receives funding from the Department for Education to provide free advice and guidance to Free School applicants.
- If you want to explore the best possible location for your alternative provision Free School then support is available [here](#) from the School Kit online tool developed by Partnership for Schools.
- Advice and guidance on how to find potential school sites, as part of developing your application, is available from Partnerships for Schools by contacting them by [e-mail](#).
- If you have any technical problems with this guidance, the Department for Education website or any of the forms, please contact us by calling 0370 000 2288 or visiting our [website](#).

Further information and key documents

8.2 There are a range of websites and documents that you may find useful when writing your Free School application, including:

Academies Financial Handbook: http://readingroom.ypla.gov.uk/ypla/ypla-academies_financial_handbook-gn-nov06.pdf

Behaviour and exclusions guidance:
<https://www.education.gov.uk/publications/eOrderingDownload/DfES%200087%20200MIG1262.pdf>

Charity Commission guidance:
<http://www.charitycommission.gov.uk/publications/cc3.aspx>

Companies House: <http://www.companieshouse.gov.uk/>

Department for Education Procurement Guidance for Free Schools:
<http://www.education.gov.uk/freeschools/b0073235/procurement-guidance-for-free-schools/>

Equality Act 2010: <http://www.legislation.gov.uk/ukpga/2010/15/contents>

Frequently asked questions about Free Schools:
<http://www.education.gov.uk/schools/leadership/typesofschools/freeschools/free-schoolsfaqs>

Governance guidance: www.education.gov.uk/schools/leadership/governance

Model Free School funding agreement:

<http://www.education.gov.uk/freeschools/a0074737/free-schools-model-funding-agreement>.

Model Free School memorandum and articles:

<http://www.education.gov.uk/schools/leadership/typesofschools/freeschools/guidance/a0074737/free-schools-model-funding-agreement>.

Information on existing Free School projects:

<http://www.education.gov.uk/schools/leadership/typesofschools/freeschools/b0066077/free-schools-opening-in-2011>

New Schools Network: <http://newschoolsnetwork.org/>

Partnerships for Schools: <http://www.partnershipsforschools.org.uk> . PfS have devised a Free Schools Kit - an online map browser that allows users to explore potential sites for their new Free School: This can be accessed here: <http://fsk.partnershipsforschools.org.uk/default.htm>

Schools benchmarking website (for examples of maintained school finances): <https://sfb.teachernet.gov.uk/Login.aspx>

Special Educational Needs Code of Practice:

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DfES%200581%202001#downloadableparts>

Special Educational Needs and Disability Green Paper:

<http://www.education.gov.uk/schools/pupilsupport/sen/a0075339/sengreenpaper>

Top tips for 2013 Free School applicants:

<http://www.education.gov.uk/schools/leadership/typesofschools/freeschools/guidance/a0074965/how-to-apply-to-open-a-free-school>

Annex A: Types of Free Schools

One of the aims of the Free Schools programme is to have genuinely new provision which helps create a more diverse and innovative school system. What is important is that you have a vision for a school that will improve the educational outcomes of its pupils **and** you have the capacity, capability and a plan to deliver this along with demonstrable demand.

In most cases the school you propose is likely to fall into one of the following four categories:

- **mainstream:** an all-ability school, which must cater for children of statutory school age, offer a broad and balanced curriculum, and have admissions arrangements in line with the School Admissions Code;
- **16-19:** a school catering for pupils aged 16-19. The school does not have to offer a broad and balanced curriculum or comply with the School Admissions Code. Students can be selected, following an interview if desired, on the basis of prior achievement or other criteria;
- **special:** a school specifically organised to provide for children with statements of special educational needs, with a curriculum plan tailored to meet individual pupils' needs. Special Free Schools will be designated for a specific type or types of special educational needs such as cognitive and learning needs; or
- **alternative provision:** a school which caters principally for children of compulsory school age who may not otherwise receive suitable education. They offer high quality alternative provision for excluded children, severely bullied children, school phobics and refusers, early intervention for children with behaviour problems and others who require alternative provision for a time.

If your proposed Free School does not fit obviously into one of the types outlined above, you should apply using the application forms and guidance you think are closest to the type of provision you wish to offer. In most cases this will be the mainstream application guidance and forms.

For example, if a school wants to have pupils on its roll permanently (as opposed to short term placements) then it is not alternative provision (even if it wishes to offer an alternative curriculum) and you should follow the mainstream forms and guidance. If you want your school to offer a mix of provision which includes mainstream education then the mainstream form will normally be the most appropriate.

We have provided a grid below to help you pick which route best fits your proposed school. The key thing to think about is the type of pupils your school wishes to cater for and how you want to admit them. You should also include a short rationale at the beginning of the application under **Section C: Education**

vision. This should set out what it is you wish to do and how you believe this will improve educational standards for your pupils. It should also set out which pupils you wish to cater for, their needs and how you plan to admit them.

If you submit a strong application which does fit within the current legal frameworks, we will still work with you to see what is achievable in terms of delivering your vision for a new school.

Type of Free School	Admissions	Curriculum	Funding
Mainstream	As for maintained schools and Academies, parents apply for a place for their child. Must comply with the School Admissions Code	Must be broad and balanced	Per pupil funding the same as local authority maintained school (including deprivation etc)
16-19	Must have fair and transparent admissions arrangements but do not have to comply with the School Admissions Code	Must meet the needs and interests of students but does not have to be broad and balanced	Per pupil funding the same as local authority maintained 16–19 school (including deprivation etc)
Special	Predominantly statemented pupils placed by local authorities	Does not need to be broad and balanced but curriculum plans should be tailored to meet the individual needs of pupils.	Per place funding of £10,000 plus whatever the commissioning body will pay to meet costs of provision
Alternative Provision	Referrals from commissioners (Academies, schools and local authorities)	Does not need to be broad and balanced but must cover, at least, age and ability appropriate functional elements of English, maths and ICT	For children of compulsory school age: per-pupil funding is entirely from the commissioner at a level negotiated between them and the alternative provision Free School. Funding for 16-19 year olds can come from the commissioner or at the mainstream 16-19 per-pupil funding rate

Annex B: School Funding Overview

Review of school funding

The approach to, and levels of, Free Schools funding are currently being reviewed. The funding that schools will receive from 2012/13 onwards therefore has not yet been agreed. The information set out below and in the financial template is based on the interim funding model for alternative provision Free Schools in 2012/13 which uses the confirmed 2011/12 funding figures in places. However, from 2013 the results of the school funding review may mean that a different funding model will be used.

The information set out below and in the template should be considered illustrative only. No guarantee can be given at this point about the approach that will be used in future years or of the levels of funding that will be received from 2012/13 onwards. For example, it is likely that levels of start-up funding will be lowered.

School funding explained

Alternative provision Free School funding is dependent on the admissions arrangements for your pupils. For pupils referred by commissioners (all children of compulsory school age and some 16-19 year old pupils) your per pupil funding will come from the commissioner. For 16-19 year old pupils who apply under a mainstream admissions process all of your funding will come from the Education Funding Agency (EFA) in the same way as for mainstream schools.

In both funding arrangements, the more pupils you have, the more funding you get. This is why having evidence of demand for your school is so important. If your school does not have enough pupils it will be very difficult for you to pay for staff and the upkeep of the building.

Existing providers should not normally expect to receive any capital funding unless they plan to expand their pupil numbers. If existing providers are planning to expand their pupil numbers as a consequence of becoming an alternative provision Free School, they may be eligible for some limited capital investment. Decisions will be made on a case by case basis with strong supporting evidence required.

Start-up funding

Start-up funding is intended to bridge the gap between a school opening and there being a full cohort of pupils. Due to the nature of alternative provision Free Schools and the ways that children are referred to them, we expect them to be full from their fourth year of operation at the latest. Start-up funding should enable a new school to cover essential costs when a school first opens, such as employing a principal and buying books and equipment, where these costs could not otherwise be met by the per pupil funding.

There are currently two main types of start-up funding:

- formulaic funding; and
- staffing diseconomy funding.

Formulaic funding is based on a standard formula and will be the same for all schools depending on the number of pupils. This currently includes funding for books, materials and equipment, recruitment costs after you have opened and some initial senior staff training. These formulaic elements will automatically complete in the financial template once you have entered pupil and teacher numbers.

Staffing diseconomy funding is worked out on a school by school basis and is designed to help meet the costs of employing senior staff when the school opens. The amount of funding currently depends on the way pupil numbers build up and which senior staff are essential for schools to operate.

The staffing diseconomy lines of the spreadsheet are blank for you to complete. You will need to estimate how much diseconomy funding your school may need while building up pupil numbers. As a guide, a school which has 100 full-time equivalent places (FTE) and anticipates having the equivalent of 20 FTE pupils across the academic year will have 20% of its pupils in the first year, so might expect diseconomy funding to cover up to 80% of the principal's salary in the first year.

Diseconomy funding should be used to fund only the minimum **essential** posts.

Please note that existing providers becoming alternative provision Free Schools will **not** normally be eligible for any start-up funding.

Lead-in funding

If your application is approved it is likely that you will be eligible for funding to help you get your school ready to open. This funding is known as lead-in funding. It can currently be used to help develop detailed plans for the school including the curriculum, recruiting a principal designate, running a consultation on their proposed school, and engaging with commissioners.

This funding is **not** covered by the financial template, and you do not need to include this as part of your application. We will discuss this with you if you are successful. As with all types of Free Schools funding, applicant groups will need to justify any need for funding, keep costs to a minimum and demonstrate how they have secured value for money.

Annex C: Glossary of terms

Academies Financial Handbook: contains instructions for Academies regarding their funding and obligations towards accounting and reporting.

Academy: a publicly funded independent school, free from local authority control. Other freedoms include setting their own pay and conditions for staff, freedom from following the National Curriculum, and the ability to change the lengths of their terms and school days.

Academy Trust: a charitable company limited by guarantee which operates an Academy or Free School. See 'company limited by guarantee' for further information.

Articles of association: set out the purpose, composition and operating arrangements of the company limited by guarantee (also known as the Academy Trust).

Cash flow: the pattern of spending in each month and the corresponding amount of income required.

Catchment area: the geographical area which you intend your school to serve.

Collective worship: all schools must provide a daily act of collective worship. For schools that do not have a religious designation, daily acts of collective worship should be of a broadly Christian nature.

Company limited by guarantee: a private company, where the liabilities of its members are limited, in the case of Academy Trusts to £10. This is the type of company that will most often be used for non-profit organisations. As a legal entity in its own right, a company limited by guarantee can make agreements and let contracts in the name of the company rather than the name of individual members.

Devolved formula capital: funding for the maintenance and repairs of school buildings. Free Schools will not receive this funding in their first year.

Directors: appointed by the members of a company to form a governing body and oversee the day-to-day management of the school. All individuals on the governing body must be formally appointed as directors of the company and registered with Companies House. It is possible for an individual to be a member and a director but we would expect most directors of the company not to be members.

Due diligence: an umbrella term for a number of checks that will be made on all those applying to establish a Free School. The checks enable the Department for Education to ensure that only suitable individuals are able to set up and run a Free School.

Education Funding Agency (EFA): see YPLA

English Baccalaureate: where pupils have secured a C grade or better at GCSE in all of English, mathematics, history or geography, the sciences and a language

Escalation (methods of): the approach to, and level of responsibility at which particular issues will be resolved when setting up and running the school.

Ethos: the distinctive education vision, values and principles that inform the way a school is run.

Faith ethos: if you want your school to have a distinct ethos based on a set of morals that are aligned with a particular faith and you want to make this explicit, you can describe your school as having a faith ethos. This could then be reflected within the vision for the school, the values the school represents and the importance placed on particular beliefs. Religious education and collective worship cannot be provided in line with the faith ethos if this is anything other than Christian in nature.

Financial viability: whether a school can survive in financial terms in the long-term. Free Schools must be able to balance their budgets. This means spending less than their income. In the start up period, income is currently per pupil funding plus an additional start-up grant. When schools reach steady state, their income will be per pupil funding only.

Founding members of the company: the people that establish the company and sign the memorandum of association that is submitted (with the company's articles of association) when registering the company with Companies House. Further members may subsequently be appointed.

Free school meals (FSM): whether children are, or have ever been, eligible for free school meals is frequently used as an indicator of deprivation, and is often used as a qualifier for calculating funding targeted at deprived students, areas and schools.

Full time equivalent (FTE): this represents the total pupil load as if all pupils are full-time, counting part-time normally as 0.5. So for example if the school will have 100 full-time pupils and 30 part-time younger pupils the FTE total would be 115.

Funding agreement: a legally binding contract between the Academy Trust and the Secretary of State that sets out the conditions and requirements upon which the Academy Trust is funded.

General annual grant (GAG): otherwise known as 'per pupil funding', this is an Academy's annual expected funding. Schools are expected to cover all their running costs out of their GAG.

Governors: see definition of 'Directors'.

Governing body: the body appointed by the members of the Academy Trust to oversee the day-to-day management of the school and hold the senior management team to account. The governing body must be constituted in accordance with the Trust's articles of association.

Grant funding: a method of giving funds for a specific purpose and/or a limited amount of time.

Information and communication technology (ICT): this includes telephony, computer equipment and operating systems for the running of the school. It also covers the use of ICT in the curriculum as a subject and to support teaching and learning.

Indicative funding: gives a school an estimated funding quote for the forthcoming academic year. It is based on the average local authority funding for maintained schools and the expected number of pupils on roll at that school in the relevant year.

Looked after children (LAC): children who are in the care of the local authority.

Lead-in funding: funding provided to help set up the school before it opens. It can currently be used to help develop detailed plans for the school including the curriculum, recruiting a principal designate, running a consultation on the proposed school, and attracting pupils.

Local Government Pension Scheme (LGPS): a nationwide public sector pension scheme administered locally for participating employers through 99 regional pension funds. Free Schools must offer this scheme to all their non-teaching staff.

Members (of the company): the company's legal owners. They play a strategic role in running the school, are responsible for appointing directors of the Free School (the 'governing body') and have ultimate control over the company.

Memorandum of association: contains the names of the individuals who are forming the company (the company's founding members). It indicates their willingness to become a member of the company under the Companies Act 2006.

Pedagogy: different styles and approaches to teaching.

Procurement: the process of entering into contracts for the acquisition of goods and/or services.

Pupil premium: additional funding allocated to schools for children who are eligible for free school meals. Children who had been continuously looked after

by the local authority for six months at some point in the period up to 31 March 2010 will also attract the pupil premium.

Qualified Teacher Status (QTS): the accreditation that enables individuals to teach in state maintained and special schools in England and Wales.

School action and school action plus: programmes for children with special educational needs who do not have a statement of special educational needs.

Special educational needs (SEN): children with a learning difficulty which requires additional, or otherwise different, educational provision than is offered more generally for children of their age.

Special educational needs coordinator (SENCo): the SENCo plays a key role, in collaboration with the headteacher and governing body, in determining the strategic development of the SEN policy and provision in the school in order to raise the achievement of children with SEN. The SENCo takes day-to-day responsibility for the provision made for individual children with SEN, working closely with staff, parents and carers, and other agencies. The SENCo also provides related professional guidance to colleagues with the aim of securing high quality teaching for children with SEN.

Service children: children whose parents are in the armed forces.

Solvency/insolvency: a company or individual is solvent if the value of its assets exceeds the value of any debts it might owe. Insolvency refers to the situation in which a company or individual's debts exceed their assets or if a company or individual has insufficient funds available to meet its debts as they fall due.

Start-up period: the period up to and including the first year the school has a full cohort of pupils.

Start-up funding: additional funding currently available when schools are first set up (and before there is a full cohort of pupils) for essential costs such as employing a principal designate (head teacher) and buying books and equipment.

Statements of special educational needs: a statement describes a child's special educational needs and the special help a child should receive. The local authority will usually make a statement if they decide, following a statutory assessment, that all the special help a child needs cannot be provided from within the school's resources. These resources could include money, staff time and special equipment.

Statutory assessment of special educational needs: a detailed investigation to find out exactly what a child's special educational needs are and what special help a child needs. A statutory assessment is only necessary if the school or early education setting cannot provide all the help that the child needs.

Steady state: the first year after you have a full cohort of pupils.

Studio Schools: an innovative new model of 14 to 19 year-old educational provision. They are small schools which deliver mainstream qualifications through project based learning and work placements. Students work with local employers and a personal coach and follow a curriculum designed to give them the employability skills and qualifications that they need in the world of work or further education.

Teachers' Pension Scheme (TPS): a contributory scheme administered by Teachers' Pensions (TP) on behalf of the Department for Education. Free Schools must offer this scheme to all their teachers, including head teachers.

University Technical Colleges (UTCs): newly-established 14-19 Academies that deliver technical education to engage young people and meet the needs of modern business. UTCs are sponsored by a local university and industry partner(s). They offer full time courses that combine practical and academic studies, and focus on disciplines requiring highly specialised equipment, for example, engineering, manufacturing with product design, construction, or agriculture.

Value for money (VfM): the term used to assess whether or not an organisation has obtained the maximum benefit from the goods and services it acquires and/ or provides, within the resources available to it. It not only measures the cost of goods and services, but also takes account of the mix of quality, fitness for purpose, timeliness and convenience.

Voluntary contributions: a suggested donation sometimes sought by schools in order to support their work.

Young People's Learning Agency / Education Funding Agency

(YPLA/EFA): the YPLA currently funds all Academies (with funding provided by the Department for Education) and also funds other training for 16-19s. YPLA will be closed under the government's reorganisation of arms length bodies and its functions will be provided by the new Education Funding Agency (an executive agency of the Department for Education) from April, 2012.

Annex D: Application checklist

Checklist: Sections A-H of your application	Yes	No
1. You have established a company limited by guarantee	<input type="checkbox"/>	<input type="checkbox"/>
2. You have provided information to cover all of the following areas:		
Section A: Applicant details – including signed declaration	<input type="checkbox"/>	<input type="checkbox"/>
Section B: Outline of the school	<input type="checkbox"/>	<input type="checkbox"/>
Section C: Education vision	<input type="checkbox"/>	<input type="checkbox"/>
Section D: Education plan	<input type="checkbox"/>	<input type="checkbox"/>
Section E: Evidence of demand and marketing	<input type="checkbox"/>	<input type="checkbox"/>
Section F: Capacity and capability	<input type="checkbox"/>	<input type="checkbox"/>
Section G: Initial costs and financial viability	<input type="checkbox"/>	<input type="checkbox"/>
Section H: Premises	<input type="checkbox"/>	<input type="checkbox"/>
3. This information is provided in A4 format using Arial font, minimum 12 font size	<input type="checkbox"/>	<input type="checkbox"/>
4. You have completed two financial plans using the financial template spreadsheet	<input type="checkbox"/>	<input type="checkbox"/>
5. You have provided written evidence from commissioners to support your evidence of demand	<input type="checkbox"/>	<input type="checkbox"/>
6. Existing providers which are registered as independent schools only: you have provided a link to the most recent inspection report	<input type="checkbox"/>	<input type="checkbox"/>
7. Existing providers only: you have provided a copy of the last two years' audited financial statements or equivalent	<input type="checkbox"/>	<input type="checkbox"/>
8. All relevant information relating to Sections A-H of your application has been emailed to alternativeprovision.fsapplications2013@education.gsi.gov.uk between 13 February and 24 February 2012	<input type="checkbox"/>	<input type="checkbox"/>
9. Two hard copies of the application have been sent by 'Recorded Signed For' post to: Free Schools Applications Team, Department for Education, 3 rd Floor, Sanctuary Buildings, Great Smith Street, London SW1P 3BT, between 13 and 24 February 2012	<input type="checkbox"/>	<input type="checkbox"/>
Checklist: Section I of your application		
10. A copy of Section A of the form and as many copies of the due diligence form as there are members and directors have been sent by 'Recorded Signed For' post to: Due Diligence Team, Department for Education, 4 th Floor, Sanctuary Buildings, Great Smith Street, London SW1P 3BT, between 13 and 24 February 2012	<input type="checkbox"/>	<input type="checkbox"/>

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